United Nations E/C.12/2016/SR.24

Economic and Social Council

Distr.: General
10 June 2016

Original: English

Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record of the 24th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 7 June 2016, at 3 p.m.

Chair: Mr. Sadi

Contents

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of Sweden

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-09374 (E) 090616 100616

1609374

Please recycle

The meeting was called to order at 3.10 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of Sweden (E/C.12/SWE/6; E/C.12/SWE/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of Sweden took places at the Committee table.*

2. **Ms. Baralt** (Sweden), introducing the sixth periodic report of Sweden (E/C.12/SWE/6), said that her country was fully committed to its human rights obligations. Its commitment acquired greater significance in times of conflict and large migration flows, when the human rights of vulnerable groups, including women and girls, came under increased threat. Although Swedish society was open, inclusive and based on the principles of diversity and equal opportunities, her delegation welcomed the opportunity to discuss ways of further advancing the cause of economic, social and cultural rights.

3. Sweden's new coalition Government had taken office in 2014, after the submission of the report under consideration, and had begun a series of important reforms focused on the labour market, education, climate change and equal opportunities. In the previous few years, social and economic gaps had widened, but the Government was committed to closing them, its ultimate goal being a socially responsible society in which all persons could participate and to which all could contribute.

4. The Government was committed to achieving full gender equality in all aspects of its work. Its commitment was not only a question of rights, representation and resources, but also a means to increase economic growth. The Government would present a new policy on gender equality later in 2016.

5. The full and equal enjoyment of human rights was a priority. The Government had instructed an investigator to propose a draft law on the incorporation of the Convention on the Rights of the Child into national legislation. The report had been submitted in March 2016 and a consultation process had begun. An Ambassador for Human Rights had been appointed to raise awareness of human rights, democracy and the rule of law on the international stage. A strategy aimed at strengthening the institutional human rights framework was being prepared and would include a proposal for the establishment of a national human rights institution in conformity with the Paris Principles.

6. International cooperation was essential to the protection of economic, social and cultural rights. The 2030 Agenda for Sustainable Development had provided the international community with a framework for action, and its effective implementation called for more effective cooperation with civil society organizations.

7. The refugee crisis demanded a response based on solidarity and burden sharing. In 2015, Sweden had received 160,000 asylum applications, more than any other member country of the European Union, and approximately 35,000 of those had been from unaccompanied minors. Sweden stood up for the right to asylum, however much of a challenge it presented; in fact, asylum seekers represented a great opportunity for Sweden in the long term, since they would contribute their skills to the country. It was important to enable new arrivals to become established as quickly as possible in order to guarantee their successful integration and ensure positive social and economic development.

8. The Government was working to ensure the equal enjoyment of rights and opportunities by minority groups. It was preparing a review of the Act on National Minorities and National Minority Languages and would soon present a national plan of

action to combat racism and hate crime, including anti-Semitism, Islamophobia and racism against Sami. Many initiatives were being carried out to promote the equal enjoyment of rights and opportunities by lesbian, gay, bisexual and transgender (LGBT) persons. Among the priorities in that regard was the prevention of violence against LGBT persons. Violence against women was increasing, despite efforts to reduce its prevalence, and the Government was preparing a national strategy to reverse the trend. The strategy would be guided by clear objectives and indicators to enable the effective evaluation and monitoring of its results and would focus on preventive measures, involving both schools and rehabilitation programmes for male offenders. More than €10 million had been allocated to shelter organizations for women.

9. The Government's disability policy was based on the principles of the Convention on the Rights of the Persons with Disabilities, its overall objective being to create a society in which persons with disabilities were able to participate in society without obstacles and to enjoy the same standard of living as non-disabled persons.

10. Employment was an important factor in the protection of social, cultural and economic rights, and the Government aimed for Sweden to have the lowest level of unemployment in the European Union by 2020. Focusing on youth unemployment and the unemployment of persons with disabilities, the Government provided financial support for employers, and was seeking to increase the participation of foreign-born women in the labour market as a means of encouraging integration. Education enabled children to defend their rights and achieve their full potential. In order to ensure that all children had equal opportunities at school, the Government had implemented a number of initiatives to strengthen the quality of education.

11. All countries should return to the core values of humanism, democracy and inclusion for all. To that end, it was vital to ensure equal participation in society, including equal access to information, participation in debates and access to culture. Free admission to the majority of State-owned museums had been introduced to ensure equal access to a shared cultural heritage. Her delegation was grateful to civil society organizations for their work in promoting equality and respect for economic, social and cultural rights.

12. **Mr. Kedzia** (Country Rapporteur) said that, since the State party operated a dualist legal system, the Covenant should be incorporated into national legislation to give full effect to the rights it enshrined and to make it a point of reference and a basis for judicial decisions. He asked what, in practical terms, prevented the State party from taking that step. Although the Supreme Court had repeatedly ruled that domestic legislation must be interpreted in accordance with the State party's international obligations, the courts did not seem inclined to conduct an independent assessment of the consistency of domestic legislation with those obligations. The problem was particularly apparent in the Swedish Constitution, which addressed rights in economic, social and cultural areas less comprehensively than the Covenant. The Committee would appreciate guidance in particular on how to interpret chapter 1, article 2 of the Instrument of Government, "State Goals", which referred, inter alia, to the right to employment, housing and education. Could those rights be invoked before the courts on the basis of that article? And did the other rights laid down in chapter 2 of the Instrument of Government, "Fundamental Rights and Freedoms", require further specification by ordinary laws in order to be invoked in judicial proceedings?

13. It would be helpful for the Committee to learn whether the State party had plans to ratify the Optional Protocol to the Covenant. Given that the State party had ratified the First Optional Protocol to the International Covenant on Civil and Political Rights, but had not yet ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, it could be argued that greater attention was afforded to the justiciability of civil and political rights than to economic, social and cultural rights. The Equality

Ombudsman had received B status accreditation from the Sub-Committee on Accreditation, an indication that it was not fully compliant with the Paris Principles. Why had it not been granted A status? The Committee would also appreciate further information on the proposed creation of a national human rights institution.

14. An update was needed on the timeline for the Nordic Sami Convention, which had been under discussion for more than 20 years. It would also be useful for the delegation to comment on widespread concerns that the Sami Parliament had very limited powers. Despite the protests of Sami and civil society organizations, the Government had decided to expand mining operations in traditional Sami territories. In the light of the proposed increase in the number of mines, the Committee would welcome information on plans to ensure that the rights of the Sami were respected. More broadly, what measures were planned to investigate and remedy infringements of the rights of Sami, in both their current and historical dimensions?

15. The State party was to be commended for the welcome it extended to refugees. The Committee would nevertheless appreciate additional information on the refugee situation from the perspective of economic, social and political rights, in particular regarding the proposed replacement of permanent residence permits by temporary ones.

16. **Mr. De Schutter** said that the Government's reply to the question raised in paragraph 3 of the list of issues (E/C.12/SWE/Q/6), concerning the legal framework governing investments in projects outside the State party, including by the Swedish national pension funds, suggested that it delegated responsibility for the necessary ethical and environmental assessments to fund managers (E/C.12/SWE/Q/6/Add.1, paras. 4-6). Given that the Government appointed the board members of the national pension funds and conducted annual assessments of their management, it would seem that it was interested in the ethical and environmental impacts of its investments. The Committee took the position that, to the fullest extent possible, States parties to the Covenant should prevent third parties in other countries from violating Covenant rights. In that regard, it would be helpful to know how the State party would conduct human rights assessments of investments made on its behalf in the future. What steps would be taken to ensure that those investments complied with the rights enshrined in the Covenant? Reports had been received of a number of problematic investments by the Swedish national pension funds, including an investment in a Canadian mining company, Goldcorp, whose subsidiary in Guatemala had been the subject of concerns raised by the Inter-American Commission on Human Rights.

17. **Ms. Shin** said that the State party was well known for its commendable efforts to promote gender equality and social welfare, but that improvements could be made in a number of areas. Regarding the target figure of 40 per cent of women on the boards of listed companies, referred to in paragraph 36 of Sweden's replies to the list of issues (E/C.12/SWE/Q/6/Add.1), the Committee would like to know if legislation was in place to ensure that the target was met. What percentage of companies in the State party came under the definition of listed companies? The Committee was concerned that women working in small and medium-sized enterprises were at a greater disadvantage, in terms of equal and full participation, than those in larger companies. Therefore, did the Government envisage extending the 40 per cent target to cover companies of all sizes?

18. The Committee would like to know what percentage of professors in academia were currently women and what the target percentage was. Was there a long-term strategy to increase female representation in universities? According to information received by the Committee, the State party believed that men tended to earn higher salaries than women because of differences in employment profiles. To address the wage gap and promote real equality between men and women it was necessary to abolish or reduce both vertical and horizontal job segregation. How did the State party plan to do so?

19. **Mr. Schrijver** asked what action the State party was taking to reduce the unemployment rate, which remained relatively high, especially for vulnerable groups such as young people, ethnic minorities and persons with disabilities. The Government had acknowledged in paragraph 163 of its report that progress had been slow in addressing the issue of unemployment among persons with disabilities. The Committee wished to know whether the State party planned to adapt its policies in that area, for example through the introduction of an employment quota system. Noting that initiatives had been introduced, under the Budget Bill for 2016, to support the employment of persons with disabilities, he asked how those initiatives would work in practice and also about what was being done to improve the employability of persons belonging to ethnic minorities.

20. Would the State party reconsider introducing a statutory minimum wage in order to protect the rights of vulnerable groups? The Committee was concerned about the increase in the number of occupational accidents and diseases and would like to learn more about the causes and what was being done to remedy the problem. What role did inspectorates play in reducing the incidence of occupational diseases and did the State party have plans to conduct campaigns on health and safety in the workplace?

21. He commended the State party on the measures taken to combat sexual harassment in the workplace but noted with concern that such harassment had still not been criminalized and codified in the Penal Code. Would the State party consider taking action to remedy that situation?

22. The Committee was concerned about the decrease in personal assistance benefits under the Act concerning Support and Service for Persons with Certain Functional Impairments and would like to be given an explanation of that trend. Had the cutbacks been carefully assessed, taking into account their impact on persons with disabilities?

23. It had been reported to the Committee that citizens of other European Union States, particularly Roma, had only limited access to social benefits. What measures were being taken to ensure that there was no discrimination in the procedure for assessing eligibility to receive benefits, which were mostly paid at the municipal level?

The meeting was suspended at 4.10 p.m. and resumed at 4.20 p.m.

24. **Ms. Baralt** (Sweden) said that unaccompanied children were the responsibility of the municipalities, of which there were 290 in the State party. On average the State party placed 7,000 children in families each year. However, in 2015 an additional 70,000 children, 36,000 of them unaccompanied, had arrived in the State party as refugees or asylum seekers. Those numbers placed a great strain on the municipal authorities, especially in the major cities. All unaccompanied children were provided with access to health care and social assistance services. Following an assessment of their needs, including any special needs, they were placed in families or other suitable facilities. More than 90 per cent of the unaccompanied children were boys between 15 and 17 years of age, a group which the Government had not encountered in any significant numbers in the past. The municipalities therefore had to adapt their approach to target that specific group, which rendered more difficult the task of rehousing many Swedish children in precarious family situations.

25. It was essential that the Government direct its efforts in the future to speeding up the registration of unaccompanied children and finding suitable homes for them. The reforms already made to the migration system would be reviewed with the aim of improving its efficiency through the introduction of additional temporary measures, if necessary.

26. Much progress had been made on gender equality and on reducing the pay gap in particular. However, the existence of labour market segregation meant that women often worked in lower paid jobs. To improve the situation the Government had in the previous year invested 10 billion kronor to enable the municipalities and welfare system to support

women in employment. Negotiations between trade unions and other stakeholders had recently resulted in significant increases in the salaries of nurses, for example. Both the wage gap and the pension gap were targeted for reduction, and to that end the Government had entered into a dialogue with the social partners and had reintroduced annual salary reviews for the labour market.

27. Sweden had not traditionally used quotas to promote the equal representation of women in public office. Such equal representation had always been achieved voluntarily, supported by education and awareness-raising efforts.

28. The Government had appointed a national coordinator to deal with the issue of social exclusion and poverty affecting persons who did not have the right to reside in Sweden. Although European Union citizens were entitled to stay in the country for work or study purposes, many Bulgarians and Romanians were unemployed and vulnerable, often surviving by begging. Cooperation mechanisms had been set up with the Governments of both Bulgaria and Romania in order to explore options to better integrate those individuals into society.

29. The cost of providing social protection services to persons with disabilities had increased significantly in recent years, while the number of beneficiaries had remained the same. The Government was therefore reviewing the system to ensure that it was sustainable in the long term.

30. **Mr. Jacobson** (Sweden) said that the Government intended to further analyse the relevant case law before making a decision on whether to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Sweden generally either transposed international instruments into its national legislative framework or introduced a specific law to apply the provisions of the international instrument in question. In preparing to ratify the International Covenant on Economic, Social and Cultural Rights, a comprehensive review had been carried out to ensure that Swedish law complied with the Covenant. No statistics were available regarding domestic court cases in which the Covenant had been directly invoked.

31. **Ms. Stenson** (Sweden) said that since 2014, the Government had allocated 15 million Swedish kronor annually for the promotion and respect of human rights, including economic, social and cultural rights, at national level. The County Administrative Board of Dalarna had been commissioned to coordinate the work of county administrative boards all over Sweden in the area of human rights for 2014-2016, while Uppsala University had been commissioned to manage a training programme for 2014-2017 to teach central government employees how human rights affected their everyday work; that programme would be evaluated at a later point. A further initiative, which stemmed from an agreement between the Government and the Swedish Association of Local Authorities and Regions, was under way to strengthen respect for human rights and knowledge of how human rights could be given effect in local government services.

32. The Equality Ombudsman had been granted B status under the Paris Principles for two reasons: its mandate was limited to equal rights, and it lacked autonomy because appointment and dismissal were at the discretion of the Government. A proposal on establishing a human rights institution was to be put before the Riksdag (Swedish parliament) in the hope of securing A status accreditation.

33. The Government was committed to promoting a thriving Sami culture and intended to implement more ambitious policies to strengthen opportunities for the Sami people to develop their own economic and social life, including their right to self-determination. The long-running negotiations on the Nordic Sami Convention were still ongoing and no end date could yet be provided. The budget for the Sami Parliament had been increased, and a review of the appropriation directions for the Parliament had resulted in the amendment or

removal of certain reporting requirements. The dialogue with the Sami Parliament was to be formalized.

34. **Ms. Tekin Befrits** (Sweden), referring to Sami land use rights, said that consultations in line with international obligations had a long tradition in Sweden and were a fundamental feature of the country's democracy. The Government had studied carefully the reports of the Special Rapporteur on the rights of indigenous peoples regarding the issue of extractive industries, and on free, prior and informed consent. While transparency and consultation in good faith were of great importance, free, prior and informed consent was a safeguard rather than a veto power. States had to impose limitations on certain rights, including the right to property; however, such limitations had to comply with standards of necessity and proportionality with regard to public purpose requirements. Such was the aim of the Reindeer Herding Act and the Expropriation Act. The Government encouraged dialogue between mining companies and villages at a very early stage, and at the local level, villages affected by geological surveys must be consulted before prospecting could begin.

35. **Mr. Nilsson** (Sweden) said that, with regard to migration issues, new regulations had been introduced in January 2016 whereby school-age migrants must be given diagnostic tests in literacy and mathematics within two months of their arrival at a school. Based on the results of such assessments, school principals decided the grades to which students should be assigned and what support they required. The Swedish National Agency for Education had been tasked with providing support to schools and municipalities to improve the quality of education for migrants of all ages, including compulsory schooling, and language introduction programmes in upper-secondary schools. That work included analysis of the programmes with a view to making recommendations for their improvement. A total of 2,000 places in adult education had been earmarked for migrant students and persons who did not have Swedish as their mother tongue, with a view to facilitating their entry into the labour market.

36. The number of women working in scientific disciplines in academia had increased over the past 20 years, and was now close to 50 per cent in all categories, with the exception of professors. In that category, the figure stood at 25 per cent, up from 12 per cent in 1999. The Government was conducting an overview of recruitment goals with the aim of increasing the number of women professors.

37. **Ms. Frimann-Clausen Engel** (Sweden) said that the Government's annual review of the national pension funds stressed the importance of developing work on environmental and ethical issues, including human rights impact assessments, and in 2014 a separate external report had been prepared on the integration of those issues into the management of the funds. A screening process was in place, and companies which had breached rights or which were suspected of having done so were invited to enter into a dialogue with the funds. If the outcome of such dialogue was not satisfactory, the company was then excluded from the investment portfolio. A project launched in 2011 aimed to increase engagement with the mining industry, and human rights impact assessments had to be carried out in line with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (Ruggie Principles). In 2008, the national pension funds had requested a human rights impact assessment report from Goldcorp, which was currently available on the company's website.

38. **Ms. Söderberg** (Sweden) said that since the second half of 2015, the Swedish Work Environment Authority had assisted the Swedish Migration Board in its efforts to ensure that police and customs units were able to work in line with the legal framework on migration. The Government had created a secretariat within the Ministry of Employment to ensure that new proposals were implemented as quickly as possible. Tripartite discussions with social partners had resulted in the creation of a fast-track system to employ skilled refugees in shortage occupations. The system had initially covered chefs, nurses and

doctors, and had been expanded to include other sectors. Since 2015, the State, municipalities and county councils had been working together to get refugees into employment or education as quickly as possible.

39. In June 2015, women had accounted for 29 per cent of executives on the boards of listed companies. If that figure did not rise to 40 per cent in 2016, the Government would take action. In 2014, the wage gap between women and men had stood at 13.2 per cent in favour of men. The National Mediation Office had analysed the wage gap data using standard weighting, and had found that in both the public and private sectors, 5 per cent of the difference could not be accounted for statistically. The Office had also analysed the methods used in reaching central collective agreements on wages, and had found that only objective arguments were deemed acceptable in the negotiations. The Government had mandated public employment services to promote gender equality in all their work.

40. Unemployment rates were decreasing, including for young people and the long-term unemployed; however, young people with disabilities and persons who had not completed upper-secondary education were mostly unable to enter the labour market. No statistics were available on employment rates for ethnic minorities, with the exception of foreign-born women. The Government was working to expand wage subsidies for young people and new arrivals, and a special method was in place to support employment for young people with disabilities. Wage subsidies were currently being assessed to eliminate any overlapping areas.

41. In early 2016, the Government had approved a work environment strategy with three main priorities: no deaths should occur in the workplace; employees should have a sustainable working life; and their psychosocial needs should be addressed in the work environment. New regulations on organization and social rules introduced in March 2016 had been widely disseminated via a film on Facebook, which had been viewed by the majority of young people in the country.

42. She confirmed that sexual harassment was a crime in Sweden.

43. **Ms. Stenson** (Sweden) said that in 2015 the Government had strengthened protections against discrimination in the form of inadequate accessibility for persons with disabilities. The protections covered all areas of life, including employment, education, provision of goods and services, and medical and social services. Failure to take reasonable measures to increase accessibility could be deemed to constitute discrimination. Measures could include improvement of the physical environment and the provision of alternative communication methods or of personal support. The Government was examining ways to strengthen protections even further, and hoped to be able to offer more information on that subject in the near future.

44. The inclusion of Roma people was a priority for the Government, and a strategy adopted in 2012 aimed to address that issue in the areas of education, employment, health and housing. Progress had been made and five pilot municipalities had worked with Roma communities to implement measures to increase their participation in society. Trained mediators had helped to increase the rates of school attendance and employment among Roma people, and to bridge the trust gap between the Roma and the public sector. The Government had allocated almost €6 million to the next stage of the strategy, for 2016-2019, and the strengthening of Roma civil society would be an important factor in its success.

45. The Commission against anti-Gypsyism, appointed in 2014 and headed by Thomas Hammarberg, the former Commissioner for Human Rights of the Council of Europe, was intended to help bridge the trust gap between Roma communities and the rest of society. In 2014, the Government had presented a white paper detailing abuse and rights violations suffered by Roma people in the twentieth century. The aim of the paper was to provide recognition to the victims and their relatives, and promote understanding of the

contemporary situation of the Roma minority. The Government's Roma strategy incorporated gender issues as a cross-cutting theme.

46. **Ms. Bras Gomes** asked whether the State party intended to broaden its anti-discrimination legislation to include all grounds of discrimination listed in article 2.2 of the Covenant, and why the State party required a further year to consider whether it would ratify the Optional Protocol to the Covenant.

47. **Mr. Kedzia**, noting that he had not received a response to his earlier questions, asked whether the State party intended to change its legislation regarding the burden of proof, given that the capacities of the Sami population were probably more limited in that regard.

48. **Mr. Martynov** said he would like to hear the delegation's views on why the State party was making slow progress on the issue of accessibility for persons with disabilities, and why there was a growing gap in employment rates between persons with and without disabilities.

49. **Mr. Schrijver** said that he would appreciate clarification on whether or not sexual harassment was prohibited in the criminal sense: the delegation had confirmed that it was, while paragraphs 207 and 213 of the report appeared to suggest that there was no Penal Code provision on the subject.

50. **Mr. Uprimny** asked why the Government was resistant to the introduction of a bill to incorporate the entirety of the Covenant into domestic law, and why the central government did not step in and take action in cases where local governments did not uphold economic, social and cultural rights.

51. **Ms. Shin** said that she would appreciate an answer to the question she had asked earlier about the percentage of all companies accounted for by the listed companies to which quotas for female board members would apply. She wondered whether discrimination against women accounted for the share of the wage gap between men and women that could not be explained away by other factors, such as women's greater likelihood of being employed part-time. Was their greater presence in part-time work not itself a result of discrimination?

52. **Mr. Abdel-Moneim** asked how the State party quantified the maximum of its available resources, which it had a duty to allocate to efforts to realize Covenant rights. He also asked what share of those resources was allocated to measures taken during the reporting period to achieve the realization of the rights recognized in articles 6 to 15.

53. **Mr. Dasgupta** asked whether the persons responsible for the cases of forced marriage mentioned in the replies of the State party to the list of issues (E/C.12/SWE/Q/6/Add.1, para. 78) had been prosecuted and, if so, what the outcome had been. He also asked whether there had been any reported cases of child marriage outside Sweden involving a Swedish national or resident, whether marriage in such circumstances was an offence under Swedish law and, if so, what practical steps were taken to address such offences. He wondered why, as had also been mentioned in the replies to the list of issues, young women and girls were not included in the standard surveys taken to shed light on such issues as the prevalence of violence against women. He requested a comment from the delegation on reports that Sweden was a destination for female victims of sex trafficking. Had Sweden not banned the purchase of sexual services?

54. **Ms. Shin** asked whether the State party intended to amend its legislation to ensure that any act of sexual penetration committed without the consent of the victim fell under the definition of rape; why so few of the many reported cases of sexual assault or rape led to prosecutions and convictions; what was being done to promote an understanding of gender-based violence among law-enforcement and judicial officials; and whether the authorities

were studying the phenomenon of date rape among adolescents. She also asked what was being done to address the problem of violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and how the law banning the purchase of sexual services had affected the broader problem of sex trafficking, apart from street prostitution. She would welcome a comment on the Government's plans to place temporary restrictions on the right of asylum seekers to residence permits and family reunification.

55. **Mr. Pillay** asked what strategies had been adopted to reduce poverty among members of marginalized groups in the State party. What had those strategies achieved?

56. He also asked whether the shortage of affordable housing had led to increased homelessness; why no special measures had been taken to combat the residential segregation often faced by particular population groups; what policies had been put in place to address the obstacles to decent housing encountered by Roma families; and why the State party had no statistics on the clearing of informal Roma settlements.

57. **Ms. Shin** said that the Committee would welcome a broad overview of poverty in the State party, including the situation of children in poverty. Quantitative information on the shortage of affordable housing, especially in cities, would be of particular interest. In connection with the eviction of Roma families, she asked whether Swedish municipal authorities were aware of their obligation to uphold the right of everyone to an adequate standard of living.

58. She wished to know what measures had been taken to ensure that no one was committed to a psychiatric institution and forced to submit to treatment solely on the basis of his/her disability; why so many more women than men were subject to abuse, including forced electroshock therapy, while they were undergoing psychiatric treatment; and whether persons committed to psychiatric institutions had access to legal aid. She understood that refugees and asylum seekers under the age of 18 were entitled to free health care but wondered what happened once they became adults. Were there any health initiatives designed specifically for Roma women and girls?

59. **Mr. Uprimny** asked whether the State party had any plans to collect more data on drug use in its territory, scale up needle exchanges, allow opioid substitution therapy in the prison system and ensure the widespread availability of medications, such as naloxone, that blocked the effects of opioids.

60. **Mr. Abashidze** said that he would appreciate additional information on the efforts made by the State party to ensure that the children of national minorities or indigenous peoples could attain high levels of literacy in their native language. In that connection, he wondered whether Swedish municipalities were able to find enough teachers capable of teaching in the languages of the country's national minorities and what steps the Government had taken to broaden access to bilingual education and improve teacher training in the languages of national minorities.

61. He wondered whether monitoring compliance with the Anti-Discrimination Act was hindered by the Swedish law prohibiting the collection of ethnic or racial statistics. He would welcome further information on the grants awarded by such institutions as the Institute for Language and Folklore, on any progress made towards the adoption of the Nordic Sami Convention and any initiatives taken to address criticism of the Sami Rights Bill. He also asked what steps had been taken to raise the status of the Sami Parliament.

62. Mr. Kerdoun asked why the children of national minorities were no longer required to demonstrate a basic knowledge of their minority language. He also wished to know whether the children of immigrants could in fact enrol in school even if they did not have a valid residence permit.

63. **Mr. Mancisidor de la Fuente** said that he would welcome specific information on the efforts made by the State party to enable everyone to enjoy the benefits of scientific progress and its applications. It would be interesting, for example, to know more about the international cooperation agreements entered into by Swedish universities, which were referred to only briefly in the State party's report. He would appreciate a clarification of the State party's assertion that a connection to the Internet was not an absolute right. Lastly, he asked whether reports that the participation of women in science in Sweden was below the European average were accurate and, if so, what the Government intended to do to address that issue.

The meeting rose at 6 p.m.

United Nations E/C.12/2016/SR.25

Economic and Social Council

Distr.: General
14 June 2016

Original: English

Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record (partial)* of the 25th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 8 June 2016, at 10 a.m.

Chair: Mr. Sadi

Contents

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of Sweden (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-09397 (E) 130616 140616

1609397

Please recycle

The meeting was called to order at 10 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of Sweden (continued) (E/C.12/SWE/6; E/C.12/SWE/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of Sweden took places at the Committee table.*

2. **Ms. Baralt** (Sweden), replying to a question raised at the previous meeting on the incorporation of the Covenant into the Swedish domestic legal framework, said that the Government had directed its efforts towards guaranteeing the economic, social and cultural rights of newly arrived refugees and asylum seekers, as well as those already living in the country, through a series of practical measures. The question of incorporating United Nations human rights conventions into domestic law was still under consideration and, to date, only the Convention on the Rights of the Child had been put forward for domestication. The approach to incorporating the Convention proposed by the judiciary was currently the subject of broad consultations, in which the Government intended to participate, but the final decision lay with the national parliament, not the Government. The gradual approach taken to other human rights conventions would ensure that, once domesticated, they enjoyed the highest possible legal status.

3. A new strategy aimed at improving the human rights situation in Sweden would be submitted to the national parliament in the near future. The strategy provided for the creation of a new independent human rights institution which would lead efforts towards achieving that goal.

4. Regrettably, the tax cuts imposed by the previous Government had only served to exacerbate the situation of the most vulnerable groups in Swedish society, which included persons with disabilities. The Government had invested in special measures aimed at facilitating the integration of those persons into the labour market. Public and private employers who were committed to hiring persons with disabilities received additional funding and special subsidies, respectively. Furthermore, more than 60 government agencies had pledged to provide traineeships to young persons with disabilities. While great strides had been made in ensuring the accessibility of public transport, the Internet and information brochures to persons with disabilities, more needed to be done to change the negative public perceptions of those persons and to promote their acceptance in Swedish society.

5. The proportion of the State budget allocated to social welfare and to the realization of the economic, social and cultural rights enshrined in the Covenant had been increased, but no precise spending figures could be provided at that time.

6. **Ms. Stenson** (Sweden) said that there were currently no plans to make the list of prohibited grounds of discrimination contained in the Discrimination Act open-ended. However, the European Convention on Human Rights, which was part of Swedish law and was frequently invoked by the Swedish courts, contained a non-exhaustive list of those grounds and therefore provided comprehensive protection against discrimination.

7. **Ms. Tekin Befrits** (Sweden) said that the statement made in paragraph 15 of the written replies (E/C.12/SWE/Q/6/Add.1) to the effect that the burden of proof automatically fell, and would continue to fall, on the individual or group making a certain claim reflected a basic principle of the Swedish legal system, although it might appear harsh. The statement

should be considered in the light of the judgment issued by the European Court of Human Rights in the case of *Handölsdalen Sami village and others v. Sweden*, according to which it was reasonable to place the burden of proving ownership of the disputed land on the Sami villages that used it for winter grazing, as the Swedish landowners were in possession of a valid land title. Furthermore, the Sami villages, as legal entities, could avail themselves of private insurance to cover litigation costs, in keeping with the standard practice in Sweden. The Government was also exploring alternative methods for settling disputes, such as mediation.

8. **Ms. Söderberg** (Sweden) said that there had been an increase in the number of persons with disabilities registering with the Public Employment Service in 2015, which was due in part to an improved methodology for identifying and catering to their needs. The additional government funding allocated to public companies would allow them to create more jobs for persons with disabilities, especially young persons. The Government had also introduced a guarantee whereby no young person could be unemployed for more than 90 days without being offered some form of work or training. New labour market initiatives had also been launched whereby young persons who had left school without having completed their secondary education could continue their studies and young persons who had completed their secondary education but who had not yet entered employment could receive training or gain work experience. The Public Employment Service had concluded agreements with the various municipal authorities for the purpose of implementing those initiatives. It was hoped that the initiatives would yield positive results in the long term.

9. Although the Penal Code did not specifically criminalize sexual harassment in the workplace, its more general provisions relating to sexual crimes covered that offence.

10. In Sweden, the task of fixing minimum wage rates was, and would continue to be, carried out by the social partners. The current labour market model allowed the social partners to negotiate and conclude collective agreements, which covered 90 per cent of the Swedish workforce. Sweden had enjoyed economic growth and witnessed a drop in unemployment under that model and so had no plans to deviate from it. There were only a small number of listed companies in Sweden. In State-run companies, around 45 per cent of board members were women. The 5 per cent gender wage gap across the public and private sectors was difficult to explain in statistical terms but was not necessarily attributable to discrimination. In Sweden, as in many other countries, the proportion of women working on a part-time basis was greater than that of men. The Government planned to conduct an assessment in the near future to determine the impact of part-time working regimes on women's ability to support themselves financially.

11. **Ms. Baralt** (Sweden) said that, as part of its strategy to combat poverty and promote the equal enjoyment of economic, social and cultural rights by all segments of Swedish society, the Government intended to increase investment in housing for low-income families and young or elderly persons living alone; to improve the country's infrastructure, including the public transport network and information and communication services; to promote greater diversity in the workplace; to provide unemployed persons with the skills and training that they needed to access the labour market; and to improve performance in matching skills to the needs of the labour market with a view to further reducing unemployment.

12. Measures taken to help disadvantaged families increase their income included the introduction of flexible day-care arrangements that allowed both parents to work full-time to support their children. Moreover, single parents were now entitled to more benefits than before and the statutory parental leave allowance for fathers had been increased to three months to encourage fathers to take on a greater share of child-rearing responsibilities. However, in order to retain that increased allowance, both parents were required to take at

least three months of parental leave and could not transfer any mandatory days not taken to their spouse.

13. Newly arrived asylum seekers were entitled to the same social security benefits as Swedish citizens. The period of validity of some temporary residence permits could be extended to 13 months to allow holders to qualify for social security benefits.

14. The law criminalizing the buying but not the selling of sex served to protect victims of trafficking engaged in prostitution, as it encouraged persons in that situation to approach the public authorities by removing the threat of prosecution. There was also evidence to suggest that the fact that the law targeted the buyers and not the sellers of sex deterred human trafficking. A special ambassador to combat human trafficking, who was also responsible for promoting and ensuring compliance with the aforementioned law, had recently been appointed.

15. The national strategy to combat gender-based violence also addressed acts of violence committed within same-sex relationships and against lesbian, gay, bisexual, transgender and intersex persons.

16. **Ms. Bengtson** (Sweden) said that both forced and child marriage were prohibited in Sweden. In 2014, new civil and criminal law provisions had been enacted to strengthen the existing safeguards against those phenomena. Furthermore, the offences of forced marriage and deception leading to forced marriage had been introduced in the Penal Code. The possibility of granting children permission to marry on an exceptional basis had also been done away with and the provisions relating to the recognition of foreign marriages had been made more stringent. While a total of 48 cases of forced marriage had been reported in 2015, no convictions had been obtained. The public prosecution service had been tasked with reviewing all cases of forced marriage to determine whether there was a need to improve the Swedish authorities' approach to investigating that crime. A total of 132 child marriages were reported to have taken place outside Sweden, the vast majority of which involved girls. Efforts had been made to raise awareness among asylum seekers of the fact that child marriage was illegal in Sweden. Any female minor seeking asylum in Sweden who was accompanied by an adult male who was not her parent or guardian was treated as a child and was subject to the rules applicable to unaccompanied minors.

17. The Government attached great importance to preventing violence against children and young persons in Sweden. According to the Swedish Crime Survey, women and girls between 16 and 24 years of age had been those most vulnerable to violence in 2015. Special studies to determine the vulnerability of young persons to different forms of violence had also been conducted. A survey conducted in nine different youth clinics had pointed to the high prevalence of violence against young persons.

18. The 2014 Committee on Sexual Offences had reviewed the legal provisions relating to the crime of rape and, as part of that review, had considered the possibility of introducing regulations based on consent. The definition of rape had been expanded twice and, in 2013, the phrase "helpless state" had been replaced by the phrase "particularly vulnerable situation" to make it clear that situations in which a victim responded passively to a sexual attack were also covered by that definition.

19. Sexual offences had been reported and prosecuted at an increasing rate for several years, mainly due to a generalized rise in the reporting of crime and to the criminalization of more acts. According to the Swedish Crime Survey, there was no indication that women were at greater risk of assault, threat or harassment. The 2014 Committee on Sexual Offences was looking into the notion of consent and the reasons for the relative lack of convictions and would present its findings in October 2016. The authorities were aware that women from minority groups who experienced violence sometimes had difficulty obtaining support, and the guidelines issued by the National Board of Health and Welfare identified

age and background as factors of particular vulnerability. In addition, specialized training for police officers and judges included basic information on violence against women and risk assessments. The lesbian, gay, bisexual and transgender (LGBT) community would be covered under the forthcoming strategy on violence against women.

20. **Mr. Jacobson** (Sweden) said that the large influx of asylum seekers had led to a review of provisions on family reunification. Those who were granted refugee status had the right to family reunification, while those granted subsidiary protection did not, unless they had applied prior to 24 November 2015. However, residence permits would continue to be granted for the purpose of family reunification where the rejection of an application would violate an international obligation. The bill containing amendments to those provisions was before parliament and a decision was expected on 21 June 2016.

21. **Ms. Remaeus** (Sweden) said that, although the Government believed in the principle of freedom of movement within the European Union, persons who wished to stay longer than three months in Sweden had to be employed or have good prospects for employment, or again have sufficient means to meet their needs and hold health insurance. European Union citizens without the right to residence had a limited right to social services during a temporary stay in Sweden: for the first three months they were considered as visitors and were not entitled to assistance or health care, except in emergencies. Those with the right of residence were entitled to the same assistance as other residents. The Government took the long view and was working to enhance the standard of living in countries of origin.

22. Homelessness was addressed under both social and housing policy. The growing dearth of affordable housing was compounded by the large number of refugees. The Government had allocated 60 billion kronor for housing in 2015, had launched a series of initiatives to facilitate access to housing for low-income households and had recently convened talks with the opposition parties to discuss a reform of the housing policy in order to better satisfy demand. The county administrative boards were tasked with supporting the efforts of local authorities to tackle homelessness, and the National Board of Health and Welfare would be conducting a national survey on the topic in 2017.

23. Referring the Committee to the replies to the list of issues (E/C.12/SWE/Q/6/Add.1), she said that forced eviction from permanent housing was tightly regulated. Social services had made significant efforts to prevent eviction by providing financial assistance and advice and alternative rental solutions. Some 150 European Union citizens had been evicted from an illegal camp in Malmö in November 2015, but NGOs had found beds for many of them. Residential segregation was more a function of employment status than of ethnicity, so efforts to combat the problem focused largely on increasing access to the labour market and on achieving coherent and sustainable urban development.

24. **Ms. Stenson** (Sweden) said that housing had been an integral part of the Roma strategy since its inception in 2012 and that the National Board of Housing, Building and Planning was combating discrimination in the housing market, including by setting up a network composed of Roma representatives, property owners and landlords to draft guidelines and raise awareness. The Government was well aware that Roma women and girls were particularly vulnerable and had incorporated a gender perspective into the Roma strategy. The county administrative boards lent their support to public entities and civil society to raise awareness of the situation of Roma women, in particular with regard to domestic violence, and the Swedish Agency for Youth and Civil Society funded various health promotion initiatives and experience-sharing between Roma and non-Roma organizations. In 2014, the National Board of Health and Welfare, in cooperation with Roma women, had produced training materials on inclusiveness for social services personnel. In 2015, the Public Health Agency had conducted an in-depth study of the health and living conditions of Roma women and girls, which had revealed that they were treated

less well than other women in several spheres and tended to have lower incomes, be in poorer health and be more subject to violence.

25. **Mr. Fogelström** (Sweden) said that forced psychiatric treatment was governed by the Act on Compulsory Mental Care and was under no circumstances administered solely on grounds of disability. Nevertheless, a memorandum was being drafted to clarify the application of the Act. Women were not more likely than men to be forced to undergo psychiatric treatment. Electroconvulsive therapy was used chiefly to treat severe depression and, given that more women tended to suffer from the disorder, it followed that more women underwent the therapy than men, both voluntarily and otherwise. Persons being treated under the Act had the right to legal aid, as well as a support person, upon request. Promoting good mental health was one of the Government's main concerns, as demonstrated by the annual appropriation of 1 billion kronor. Health-care professionals had a duty to treat asylum seekers in the same manner as all others; however, the considerable influx in 2015 had put a strain on the health-care system. As a result, the services were different for child and adult asylum seekers and undocumented migrants: those under 18 received health and dental care on a par with Swedish children, whereas those over 18 received only emergency care, unless they were completing their high school education, in which case they had the benefit of student medical coverage.

26. **Ms. Remaeus** (Sweden) said that it was difficult to measure the number of intravenous drug users; the latest figure of 26,000 dated back to 1998. The National Board of Health and Welfare published annual guidelines on the treatment of drug addiction, which included opioid substitution therapy (OST) among recommended methods. The number of new OST patients had risen between 2006 and 2011 but had since peaked. The therapy was available in all counties, as well as in some prisons. While the rise in drug overdose deaths was primarily due to changes in data-collection and analysis methodology, the rate remained high and would be addressed. In that regard, Malmö county had approved naloxone for widespread distribution. The Government intended to enact a new law in the spring of 2017 to expand the needle exchange programme and make it accessible to all persons aged over 18. In 2015, the Public Health Agency had published new guidelines on the prevention of hepatitis C, especially among drug users.

27. **Mr. Nilsson** (Sweden) said that studies had confirmed the general shortage of mother-tongue teachers for national minority languages. In the case of Sami, there was the added difficulty of recruiting teachers with the correct variant of the language. Since 2013, a number of universities had been developing teacher training programmes in an effort to grow the pool of minority-language teachers. The National Agency for Education was working to increase access of national minorities to instruction in their native languages by designing teaching materials and awarding grants for teachers to pursue studies in minority languages, most recently in Sami, Meänkieli and Romani.

28. The national minorities had greater access to mother-tongue tuition than other groups in Sweden, in accordance with the provisions of the Covenant, the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Recently, provision had been made for mother-tongue remote education, in particular in the Sami language. Bilingual education for national minorities speaking languages other than Finnish had been extended to the end of June 2016.

29. The Education Act stipulated that child asylum seekers in Sweden, and children residing in that country without a legal permit, had a right to education from preschool to upper secondary level if they began before the age of 18. Children who were European Union citizens staying in Sweden under the three-month rule did not have the right to education, but education could be provided at the discretion of local authorities. The Government took the view that all European Union countries should ensure that children

were educated in their country of residence, and where possible, in their home countries; it had signed agreements with Bulgaria and Romania with regard to support for the education of Roma children.

30. Measures had been taken to improve the participation of women in the research sector, including by making such careers more attractive to women. Introducing women to male-dominated fields of employment such as medicine, natural sciences and engineering required an early start: efforts were therefore being made to mainstream gender throughout the education system.

31. International collaboration on the preparation of scientific papers had increased in all subject areas in the past decade; currently almost two-thirds of such papers were written in cooperation with researchers from other countries. The world average was 25 per cent.

32. **Mr. Dunås** (Sweden) said that a question had been asked about the criteria used for awarding grants related to the culture and languages of national minorities where no statistics about minority populations were available. For historical reasons, Swedish law did not permit the compilation of statistics on ethnicity or religion. Moreover, ethnic minorities were deeply opposed to the compilation of such statistics. Since it was important to have statistics on the living conditions of the population, including minorities, the Swedish authorities were using other means to acquire that information. Grants were awarded to organizations representing peoples that defined themselves as national minorities; an example was the grants for Sami culture distributed by the Sami Parliament. There were grants also, for instance, to the Institute for Language and Folklore, which was working to strengthen the use of minority languages. The Government planned to study ways of reforming the Act on National Minorities and National Minority Languages with a view to ensuring the rights of such peoples.

33. Noting that, in paragraph 127 of its written replies to the list of issues (E/C.12/SWE/Q/6/Add.1), the Government had provided information on Internet services in Sweden, he pointed out that directives regarding Internet access were the same in Sweden as in other European Union member States. The Internet penetration rate in Sweden was very high, at 93 per cent, and in recent years the Government had devoted large sums of money to promoting Internet usage. The Government was also working on the provision of broadband access in sparsely populated areas of Sweden.

34. Sweden warmly welcomed the recent political agreement on a European Union Directive on improving the accessibility of public sector websites, which established specific technical requirements for making those sites accessible to all citizens, including persons with disabilities and older persons. Those requirements would also apply to Swedish cultural institutions receiving government monies. Many forms of art and media were now converging on the Internet, and so access entailed the availability of newspapers, books and television programmes. Audio newspapers and audio books were currently digitalized and available on the web. Consideration was being given to reforming Swedish law to require the availability of on-demand products as well.

35. In addition, the Swedish Post and Telecom Authority was working to increase the accessibility and usability of electronic communications and mail services, in particular to persons with disabilities. It held competitions on various topics with a view to developing innovative services for such persons.

36. Lastly, an initiative launched in cooperation with the Swedish Film Institute had dramatically increased the availability of cinema to persons with disabilities, through audio description, spoken subtitles, and special headsets.

37. **Ms. Baralt** (Sweden) said that the Committee had asked how information about the Convention reached the many municipalities in Sweden. In addition to disseminating

important laws, the Government sent out recommendations to populations that in its view needed guidance. For instance, a handbook provided guidance to vulnerable European Union citizens on how to obtain emergency social assistance. For the large number of unaccompanied minors in Sweden, hotlines had been set up and handbooks distributed to assist them in understanding and protecting their rights. The Government had also recently entered into an agreement with the Swedish Association of Local Authorities and Regions to inculcate knowledge of human rights in the municipalities. It had also established a new website for the dissemination of recommendations from the United Nations human rights treaty bodies, with a view to ensuring their accessibility to the public and to key institutions in Sweden.

38. **Ms. Bras Gomes** said that she was pleased that Sweden still considered becoming a party to the Optional Protocol to the Covenant, and that it was envisaging the preparation of a comprehensive anti-discrimination bill. With regard to the protection of vulnerable persons from other member countries of the European Union, she wished to emphasize that the relevant Covenant obligations took precedence over European Union directives, and that it was the obligation of the State to honour its commitments under that instrument.

39. **Mr. Dasgupta** said that there was clearly a high level of respect for economic, social and cultural rights in Sweden. Some lacunae, however, existed. It was known that forced child marriages were occurring in immigrant communities; and yet, no convictions had been handed down. He wondered if the consummation of a child marriage was considered an act of rape, and whether parents were treated as accessories to the crime of rape.

40. He would also like to know more about human trafficking. Apparently the purchaser of sexual services was prosecuted, but not the seller, who was presumed to be a victim of trafficking. However, if a woman had to prove that she was a victim of trafficking, she would have to identify her trafficker. He wondered whether that lacuna might be the reason why, according to some reports, Sweden continued to be a hub for human trafficking.

41. **Ms. Shin** said she wondered whether legislation prohibiting the purchase of sexual services also applied to such purchases abroad, and whether any convictions had been handed down.

42. Persons unable to pay their rent should not be evicted from their homes if no housing alternatives were available. She wondered how much social housing was needed, and how much was being provided. She enquired whether, in the case of the Roma, the Swedish Government was willing and able to provide social housing on a temporary basis; and what measures had been taken to address the educational and health needs of that population.

43. Finally, she would like to know how many young asylum seekers had no access to health services.

44. **Mr. Schrijver** asked why no consideration was being given in Sweden to a national minimum wage. In addition, it would be interesting to know how many convictions had been handed down for sexual harassment in the workplace, what had been the nature of the charges, and whether sexual harassment cases could be settled out of court.

45. He also wished to know whether Sweden envisaged incorporating the Covenant and other international human rights instruments into national law. In a recent case, a municipal government had refused to allow a severely disabled person to install a special therapeutic swimming pool; had the Convention on the Rights of Persons with Disabilities been incorporated into national law, that would not have been possible.

46. **Mr. Pillay** said he was concerned about the way in which the State party approached the issue of informal or what it called illegal settlements. Forced evictions must be dealt

with in accordance with international standards. The Committee's general comment No. 7 on the right to adequate housing: forced evictions specified that people must not be forcibly evicted unless alternative housing was provided.

47. **Mr. Abdel-Moneim** said that he looked forward to clarification of the Swedish Government's position on the concept of "maximum available resources" in relation to article 2 of the Covenant. He pointed out that the economic sanctions imposed on many States pursuant to the Stockholm Process had had a harmful impact on the economic, social and cultural rights of the populations concerned. He hoped that Sweden would reconsider its position in order to contribute to the full realization by all States of the rights guaranteed under article 2.

48. **The Chair** asked what rights were available to refugees in Sweden while they awaited the regularization of their status, whether there were tax incentives to businesses for hiring disabled persons, and what had been the results of prosecutions for sexual harassment. He also wondered how a forced child marriage that occurred before the child arrived in Sweden was handled; in that regard it would be interesting to consider whether the use of the term "forced marriage" was appropriate when a child was involved.

49. **Ms. Baralt** (Sweden) said that her delegation was surprised to hear that the Committee had received information indicating that Sweden was a destination country for trafficked girls, as that was not what was indicated by the statistical data available to her Government. In Sweden, both the buyer of sex services and the trafficker were penalized, while the victim was supported and protected and was thus more likely to provide valuable information to the authorities.

50. In the past, child marriage had not been widely debated in Sweden. With the recent increase in migration flows, however, it had become a serious and important issue that must be tackled at multiple levels. Child marriages would not be recognized by Sweden, and the child bride would be separated from her husband and treated as a child. It was nevertheless important to understand that many families forced their children into marriage as a last resort in order to increase their chances of surviving the trip to Sweden or of surviving life in a refugee camp. Her Government was currently in dialogue with the Office of the United Nations High Commissioner for Refugees about how to tackle the issue at a global level. Sweden also planned to share the lessons it had learned in that regard at the United Nations General Assembly in September 2016.

51. The Government had undertaken extensive efforts to educate newcomers to the country, particularly unaccompanied minors, about their rights and about Swedish laws. The issue of child marriage was addressed as part of those education efforts, which would be expanded further and would primarily target homes where unaccompanied minors were living.

52. Under the current laws, Swedish citizens who committed sexual offences abroad could be prosecuted by the Swedish judicial system in cases where the victim was a minor. Within a few months, a proposal would be submitted to extend that possibility to cases involving adult victims. Her Government was concerned about the low rate of conviction for rape in Sweden. There were many things that could be done to address the issue, one of which was to ensure that the relevant laws and the definitions contained therein were as effective as possible.

53. An inquiry into the forced evictions that had occurred was currently under way. A large-scale national survey on homelessness was being conducted, and its findings would include information on the situation of vulnerable groups with respect to homelessness. Her Government was aware of the need for more affordable housing for a number of groups and was looking at the issue from a holistic perspective. It had launched at least five key

housing initiatives, which included investment in the construction of smaller, cheaper homes.

54. The eviction of vulnerable European Union citizens was a very complex issue. The Malmö municipality had issued a very thorough report on the eviction of Roma migrants referred to earlier. In that case, the land in question was privately owned, and the owner had been trying for years to regain access to his land. The local government and NGOs had made a number of efforts to engage in dialogue with the Roma community living there. Such cases needed to be addressed on many different levels, including through bilateral cooperation between the country of origin and the country of destination as well as local efforts at the commune level.

55. Minimum wage was not a political issue in Sweden, and the German system was not one that Sweden wished to emulate, as the current framework for wage negotiations was working well. Countries that set a minimum wage often lacked an extensive welfare system like the one in Sweden, which included housing allowances and support for single parents. There had been some discussion, however, about whether the relatively high salaries paid at the entry level in Sweden made it more difficult for young people to enter the labour market.

56. Her Government was investing in subsidies that encouraged employers to hire persons with disabilities. She was convinced that, once employers did hire them, they would find that those persons were able to contribute to society just like anyone else. There was a need to overcome the stigma against them.

57. The length of time that asylum seekers spent waiting for a decision on their application for asylum had been significantly reduced in recent months. Nevertheless, there were still some 140,000 persons waiting for such decisions to be issued. Those persons had the right to attend school and Swedish language courses, and they received special allowances through the social security system. They were not, however, allowed to seek employment. Discussions were ongoing about whether that restriction could be lifted, as the Government was aware that many asylum seekers were at a loss as to how to spend their free time. Her Government's aim was to ensure that the asylum application process was a positive one for the applicants and that they gained something from the process even if they ultimately were not allowed to remain in Sweden.

58. **Mr. Nilsson** (Sweden) said that his delegation did not have the requested statistics about access to school health services for asylum seekers over 18 years of age. He did, however, have data from 2013 showing that about 59 per cent of asylum seekers aged 16 to 19 attended school.

59. **Ms. Bengtson** (Sweden) said that a report would be issued later that week detailing the findings of the inquiry that was considering whether to introduce legislative amendments that would make it possible to prosecute Swedish citizens who purchased sexual services abroad.

60. **Mr. Kedzia** (Country Rapporteur) said that the dialogue had provided an opportunity for both the State party and the Committee to enrich their understanding of the Covenant rights and their implementation. The bar had been set very high in the light of the State party's past achievements, and the Committee thus had high expectations of Sweden. The State party and the Committee seemed to share an appreciation of the valuable work of civil society organizations in promoting the Covenant rights.

61. The delegation had provided interesting comments and observations about the pressures and challenges currently facing the country. He commended the delegation for its professionalism, frankness and cooperative spirit, and he hoped that the State party's planned measures to further protect Covenant rights would come to fruition as soon as possible. He also hoped that the Committee's concluding observations would assist the

authorities and civil society in their efforts. Lastly, he echoed the delegation's call for a return to the core values of democracy and inclusion on the part of all countries.

62. **Ms. Baralt** (Sweden) said that the dialogue had provided an opportunity for Sweden to become more aware of what was happening in the field of economic, social and cultural rights and that it would work to spread that increased knowledge. NGOs were vital partners in the Government's efforts to promote and protect the Covenant rights. Her Government would do its best to fulfil the responsibility that came with playing a leading role in that regard.

63. It would also disseminate the Committee's recommendations to local governments and all relevant parties. She was pleased to be part of a Government that openly identified itself as feminist, and she wished to share some of the methods her Government applied when dealing with gender-related issues. Firstly, it was important to start with a good reality check and to thoroughly assess the situation, which required the collection of data disaggregated by gender.

64. It was equally important to ensure that women and other key vulnerable groups were represented in all discussions on issues affecting them. In addition, the necessary resources should be guaranteed, as without them it would be much more difficult to bring about change. In that connection, Sweden would soon be meeting with other members of the Organization for Economic Cooperation and Development and would share its experiences with gender budgeting.

65. Lastly, leadership was also crucial, and Sweden was lucky to have a Prime Minister who gave priority to issues relating to gender and children. Pippi Longstocking, the famous character created by Swedish children's book author Astrid Lindgren, had once said, "Someone who is very strong has to be very nice also". Her Government would do its best to be nice and to help those who could not yet fully enjoy their economic, social and cultural rights.

The discussion covered in the summary record ended at 12.50 p.m.

United Nations E/C.12/2016/SR.26

Economic and Social Council

Distr.: General
14 June 2016

Original: English

Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record of the 26th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 8 June 2016, at 3 p.m.

Chair: Mr. Sadi

Contents

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of Honduras

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-09398 (E) 140616 140616

1609398

Please recycle

The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of Honduras (E/C.12/HND/2; E/C.12/HND/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of Honduras took places at the Committee table.*

2. **Mr. Cardona** (Honduras) said that, first and foremost, he wished to express his Government's regret over the murder of two human rights defenders in Honduras, René Martínez and Berta Cáceres. He hoped that in both cases the judicial system would soon identify and convict those responsible.

3. Over the past five years, Honduras had introduced a wide range of laws and policies to promote human rights. In addition, a number of steps had been taken to address corruption and to promote transparency; for example, an agreement had been signed with the Organization of American States (OAS) to set up a support mission to tackle corruption and impunity in Honduras. The recommendations of two universal periodic reviews had been incorporated into the National Action Plan on Human Rights and the State party had received visits from seven different United Nations special rapporteurs over the past two years. The Office of the United Nations High Commissioner for Human Rights had opened an office in Honduras.

4. In cooperation with the European Union, the Oxford Poverty and Human Development Initiative and civil society, the Government was working to introduce a multidimensional methodology to tackle poverty. Social investment targeted persons living in extreme poverty, with 18.9 per cent of the national budget having been earmarked for the development and social investment sector in 2016. Between 2005 and 2015 there had been a 2.6 per cent decrease in extreme poverty and a 0.7 per cent decrease in poverty, despite the adverse effects of the El Niño phenomenon in 2014 to 2015.

5. The Government had made significant efforts in a short period of time to protect the first of all human rights: the right to life. As a result, the homicide rate had fallen from 86.5 homicides per 100,000 inhabitants in 2011 to 56.74 in 2015.

6. The Constitution of Honduras reflected the multicultural and multilingual character of the State, which had seven indigenous peoples and two peoples of African descent. A policy on racism and discrimination had been adopted in April 2016 and a draft law on prior, free and informed consent was in the process of being drafted and presented to the indigenous peoples. Between 2001 and 2015, the Government had issued 158 land titles to indigenous peoples. In April 2016, 11 land titles covering an area of over 1 million hectares had been handed over to territorial councils of the Misquito indigenous people. The intercultural education sector had been granted funding amounting to US$ 700,000 in 2016; 282 bilingual intercultural education centres had been established and 12 secondary schools had been opened to serve indigenous and Afro-Honduran communities.

7. The Second Equality and Gender Equity Plan of Honduras had been implemented by municipal women's offices across the 34 municipalities with the highest rates of violence. It was planned to increase coverage to 60 municipalities in 2016. The Women's City Programme, which provided a range of services to women survivors of violence, was being expanded. Public employees had continued to receive training in human rights and non-discrimination in 2015. The proposed new Criminal Code was currently before the National

Congress and had been revised to criminalize discrimination on the grounds of sexual orientation and gender identity.

8. In 2013 a policy had been approved to provide comprehensive protection to persons with disabilities. A number of programmes were being implemented to ensure that people with disabilities enjoyed equal treatment and full recognition as subjects of law. Notable among those programmes was "Honduras Inclu 100%", a geolocalization project for people with disabilities which was due to be launched nationally in June 2016.

9. The Better Life Platform formed the basis of the Government's efforts to raise the standards of living of the most vulnerable, poorest households. The Platform focused on three areas: a guaranteed income; decent housing; and food and nutrition security. It had benefited 1.2 million poor, very poor and vulnerable households in the two years it had been operational. Some 220,000 units of decent housing had been handed over; over 250,000 of the poorest households received the Better Life financial benefit; and 50,000 Hondurans had been able to start their own business thanks to the Presidential Solidarity Credit Programme. The budget available to the public health system to purchase medication had been increased by 125 per cent in 2015. Access to health-care services had also improved, with approximately 80 per cent of the population now covered by health insurance.

10. Over the past five years the Government had made significant progress in guaranteeing the right to education, including by promoting the inclusion of traditionally marginalized groups. In 2016, the budget allocated to the Ministry of Education accounted for over 5 per cent of the national budget.

11. Lastly, he reaffirmed his Government's firm commitment to following up on the recommendations the Committee would be making following the current dialogue, which would be incorporated into the National Action Plan on Human Rights.

12. **Mr. Mancisidor de la Fuente** (Rapporteur) said that the Committee appreciated the fact that the delegation was composed of many high-level members of the Government and was gender-balanced. The presence of a large number of representatives of NGOs and the media at the meeting was very positive and clearly showed a high level of interest in the human rights situation in the State party. However, the significant delay in submitting the State party's second periodic report was regrettable and the Government should strive to avoid such delays in the future.

13. Since its last meeting with the Committee, the State party had experienced a number of political and social difficulties, characterized by violence against women and human rights defenders, poverty, discrimination governance-related problems, corruption and even impunity. While the Government had stated that civil society had been involved in drafting the report, alternative sources of information claimed that the process had not been participatory and that there had not been sufficient involvement of indigenous organizations. He wished to know how the Government would ensure that the voices of civil society and in particular of indigenous activists were heard. Concerning the draft law on prior, free and informed consent, the Committee would very much welcome a law that complied with the relevant international standards and incorporated the views of civil society and indigenous persons.

14. Noting that the National Human Rights Commission had been granted B-status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, he would like to know what was preventing it from obtaining A-status.

15. The Committee was pleased to hear that the courts in Honduras had specifically invoked the Covenant in their judgments. He hoped that training and awareness-raising activities for both the judiciary and the general public would continue in the future.

16. Noting that each State party had an obligation under the Covenant to take steps to the maximum of its available resources with a view to achieving progressively the full realization of the rights recognized in the Covenant, he said that the Committee would like to know if progressive taxation policies had been put in place for all companies, including international companies, to ensure that sufficient funding was available to implement the Covenant.

17. Lastly, he urged the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

18. **Mr. De Schutter** said he realized that climate change was a significant concern for the State party and that in order to reduce poverty it was essential to mitigate the impact of the repeated droughts witnessed in recent years as a result of El Niño. He would like to know to what extent the Government had shifted its focus away from post-disaster action and towards measures to prepare for subsequent droughts. How had human rights been taken into consideration when drawing up plans to prepare for the impact of climate change? He would also like to know how the public sector strategy on food security had been strengthened and adapted to better react to droughts in the future. Had measures been implemented to improve the access of peasant farmers to financial instruments intended to support them in dealing with climate change?

19. **Ms. Bras Gomes** said that the Committee would like to know how the Government intended to involve civil society in the follow-up to the Committee's concluding observations. Given that the process of drafting a law on prior, free and informed consent was taking longer than expected, she would also like to know what was being done in the meantime to ensure that such consent was obtained where necessary.

20. The Committee would like to know what was being done to better tackle discrimination. Did the State party have a legislative and operational framework in place to specifically prohibit discrimination? In light of the high levels of poverty and inequality in the State party, the issue of the allocation of resources was another of the Committee's concerns. In particular, the Committee had been informed that there had been a much larger increase in the State budget for defence and security than in the budget for health and education. Was the Government really using the maximum available resources to advance economic, social and cultural rights?

21. **Mr. Uprimny** said that, while he welcomed the delegation's acknowledgement of the murder of the high-profile human rights defender Berta Cáceres, he would like to know what progress had been made in the investigation in that case. He would also like to know what concrete measures would be taken to protect the lives of human rights defenders and tackle impunity, and whether the Government planned to set up a high-level special prosecutor's office to investigate killings of human rights defenders. He asked what legal protections were in place for lesbian, gay, bisexual and transgender persons, particularly with regard to employment discrimination and equal rights for same-sex partners. He also wished to know the rank of the 20 civil servants who had been convicted of corruption, and whether anyone had been convicted over the embezzlement of US$ 350 million from the Honduran Social Security Institute.

22. **Ms. Shin** asked how many cases of femicide had been identified following its inclusion as a separate offence in the Criminal Code; how many cases of rape had been reported; whether there had been any prosecutions or convictions in those cases and, if so, what sentences had been handed down; how many women's shelters there were in the country, and how many women they could accommodate; whether such shelters were

funded by the Government or by NGOs; what policies were in place to protect women from violence; and what training and awareness-raising activities in that area were provided for law enforcement officials.

23. **Mr. Abdel-Moneim** asked whether the level of foreign assistance as a percentage of the financial resources available in the State party had changed since the previous report; whether the US$ 239 million available for the implementation of the United Nations Development Assistance Framework 2012-2016 was sufficient; why the contributions from the United Nations system for that purpose were so low; and to what extent foreign assistance had enabled the State party to construct the economic infrastructure required to fulfil its commitments under the Covenant.

24. **Ms. Bras Gomes** asked whether the State party would consider replacing the many employment initiatives currently in place with a single national employment plan which would rationalize the use of resources in that area; whether the Government intended to continue the National Hourly Employment Programme on a regular basis; whether any adjustments had been made to the minimum wage in sectors other than the maquila industry; whether the minimum wage had been reviewed and whether it was regularly indexed; why women earned less than men even in high-paid jobs; whether the benefits provided by the Honduran Social Security Institute had been broadened to provide more than old-age, disability and death benefits; what percentage of the population was covered by the social security system; what risks the system covered; and whether people working in the informal sector were also covered. The Committee would also like to know what measures would be taken to prevent a recurrence of fraud within the social security system.

25. **Mr. Zerbini Ribeiro Leão** asked what the results of the agreement on investment promotion, employment protection, health care and access to housing for people working in maquilas had been; whether any statistics on the results of the agreement were available; where the remainder of workers were employed, given that the figures in the report only added up to 60 per cent of the workforce; whether any disaggregated data on the remainder of the workforce were available; and whether there was any specific legislation in place to protect agricultural workers, particularly in the area of health and safety.

26. **Mr. Martynov** asked what the specific provisions, time frame and targets of the Act on Protection, Benefits and Regularization of Informal Activities were; whether any statistics were available on the impact of the Act on the informal economy since its adoption; what the employment rate for people with disabilities was; how legislation on persons with disabilities had affected their employment rate; how employment quotas for persons with disabilities were enforced; what the level of implementation of the quotas was in the public and private sectors; what percentage of employers were implementing legislation on the minimum wage; and whether the social security system had increased its coverage levels, which in 2001 had stood at less than one third of the population.

27. **Mr. Mancisidor de la Fuente** (Country Rapporteur) asked what mechanisms were in place to ensure that the minimum wage was high enough to enable workers to make a decent living for themselves and their families; how the minimum wage level was assessed against the cost of the basic food basket; what legislation, protection and inspection measures were in place for domestic workers; and whether the current inspection systems were sufficient to ensure that legislation in that area was enforced.

28. **The Chair** asked to what extent the Covenant was taken into account in ministerial decisions.

29. **Ms. Cueva** (Honduras) said that the Government had made great efforts over the previous two years to reduce delays in submitting reports to the human rights treaty bodies, and had set up the Special Response Group on Human Rights, which brought together treaty response bodies and civil society organizations. Work was continuing on dialogue to

monitor human rights policies and the National Action Plan on Human Rights, particularly at the local level and in areas where human rights defenders were active; that work drew on the Handbook on Democratic Dialogue produced by the United Nations Development Programme and a number of other development agencies.

30. **Mr. Gonzales** (Honduras) said that, as far as consultations with indigenous groups were concerned, the Government had signed an agreement with the Confederation of Indigenous Peoples of Honduras, and the previous week had met with representatives of all nine indigenous groups in the country, as well as with representatives of the international development community. The aim of the consultation process was to guarantee ongoing participation at every stage of the drafting of the new law on prior, free and informed consent; it was hoped that the bill would be presented to Parliament on 9 August 2016, the International Day of the World's Indigenous People.

31. **Ms. Cueva** (Honduras) said that the strengthening of the Office of the National Human Rights Commissioner was dependent on the allocation of sufficient budgetary resources. Ongoing local participation was important in maintaining a relationship with people who made allegations of human rights violations, and the Government recognized the importance of continuing to strengthen the involvement of civil society organizations and protected groups in the work of the Ombudsman. Decree Law No. 266 of 2013 had established a new institutional architecture to ensure coordination in that area, and the new Ministry of Human Rights, Justice, Interior and Decentralization had a mandate to maintain continuous cooperation with local governments. Five municipal governments were already implementing the National Action Plan on Human Rights, offering training and putting the manual on human rights into practice.

32. **Mr. Cardona** (Honduras), noting that the Government had introduced measures to deal with the high fiscal deficit at a time when it was not in receipt of loans from international financial institutions, and had increased sales tax from 12 per cent to 15 per cent to fund its new social programmes, said that the national budget needed to be used as efficiently as possible.

33. **Mr. Manzanares Rojas** (Honduras) said that consultations undertaken with the Standing Commission on Disaster Preparedness, which had been established in the wake of Hurricane Mitch in 1998, had resulted in legislation creating a national risk management system. The system provided an effective platform for a rapid, coordinated response to disasters, facilitated collaboration with international agencies, and promoted respect for human rights in the aftermath of natural disasters.

34. **Mr. Izaguirre Velasquez** (Honduras) said that the early-warning system of the Honduran National Risk Management System had undergone an evaluation led by the United States Southern Command. The country's network of weather stations was being built up to ensure that evacuations could proceed in a timely fashion in the event of catastrophic flooding or other natural disasters. An inter-institutional committee was working on ways to mitigate the effects of climate change, such as drought. In the area of the country known as the dry corridor, for instance, the development of water capture and storage systems was being promoted.

35. **Mr. Manzanares Rojas** (Honduras) said that environmental permits were awarded only after a mandatory consultation period. If the persons living in areas affected by a proposed extractive project objected to a given proposal, it would not get off the ground. Even operations that had already gotten under way could be suspended if members of local communities so demanded.

36. **Mr. Gonzales** (Honduras) said that the Government had made extraordinary efforts to adopt a national policy to combat racism and further the advancement of Afro-Hondurans and indigenous peoples. It was a model policy that would enable Honduras to

ensure the participation of Afro-Hondurans and indigenous people in all matters affecting them and in the life of the country in general.

37. **Mr. Cardona** (Honduras) said that his Government regretted that it had been taking so long to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). He expected a law establishing a mechanism for prior consultation to be adopted in the coming months.

38. **Ms. Cueva** (Honduras) said that the Criminal Code had been amended to establish penalties for discrimination and to require the courts to consider as general aggravating circumstances the commission of an offence motivated by hostility towards the victim as a result of the victim's membership or presumed membership of a given social group. The articles containing those amendments had been included in the proposed new Criminal Code.

39. **Mr. Cardona** (Honduras) said that the share of the 2016 budget allocated to the Ministry of Defence was considerably less than that allocated to the ministries responsible for health, education and social inclusion.

40. **Ms. Cueva** (Honduras) said that the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials had been adopted in April 2015 and that work on the implementing regulations had begun the following month. Some months later, however, in view of petitions submitted by a number of civil society organizations, the National Council for the Protection of Human Rights Defenders had reviewed the proposed regulations and decided to redraft them. She understood that the Council had committed to adopting the regulations the previous day but had not yet heard whether it had actually done so. Ten million lempiras, or about US$ 440,000, had been set aside for efforts to implement the Act, and 32 people, including human rights defenders and journalists, were already enjoying protection under the protection mechanism established by the Act. Five people had recently been detained on suspicion of involvement in the killing of Berta Cáceres. The investigation was ongoing, however.

41. **Mr. Cardona** (Honduras) said that the Government of Honduras had signed an agreement with Transparency International aimed in part at combating corruption in public procurement. In addition, the OAS Mission to Support the Fight against Corruption and Impunity in Honduras had begun its work in the country only a few weeks earlier. One of its responsibilities would be to supervise the work of the country's newly approved anti-corruption courts. Government ministries were required to disclose all expenditures.

42. Former members of the board of the Honduran Social Security Institute, which had endured serious difficulties as a result of official corruption, were currently facing charges, and the Institute's former director was in prison. One of the goals of the recently adopted Framework Act on Social Protection was to expand social security to cover all Hondurans.

43. **Ms. Cueva** (Honduras) said that the adoption of the Second Equality and Gender Equity Plan of Honduras 2010-2022 had involved the establishment of municipal women's offices throughout the country, initially in municipalities with high rates of violence against women and later in several dozen others. The newly established Technical Criminal Investigation Agency, which had been allocated supplementary human and financial resources in 2016, investigated incidents of femicide. In 2015, convictions had been secured in 41 cases of femicide or attempted femicide. Coordinated efforts to prevent violence against women were being made by the National Institute for Women and the Ministry of Security.

44. **Ms. Prudott** (Honduras) said that the Centre for Support and Protection of Women's Rights had been established to prevent violence against women and provide assistance to victims. Recreational programmes for young people had been set up in

municipalities with high rates of violence against women with a view to promoting cooperation, teamwork and camaraderie. Other programmes had similar goals. Moves had been made to control firearms more strictly.

45. **Mr. Cardona** (Honduras) said that although he shared Mr. Abdel-Moneim's concern about the relatively meagre amount of development assistance funds provided to Honduras by the United Nations system, he was certain that his country's pursuit of the Sustainable Development Goals would provide ample opportunity for enhanced cooperation with the United Nations.

46. **Mr. Madero Erazo** (Honduras) said that Honduras had a wide array of job-creation programmes designed for specific sectors. Some programmes focused on creating jobs in rural areas, where unemployment was higher, while others promoted investment in potentially productive sectors of the economy. Employers benefiting from the National Hourly Employment Programme were required to move their temporary employees into permanent positions within four years. The Government had not intervened in the three most recent rounds of negotiations held by workers and employers to set the country's various minimum wages.

47. In 2015, the Government had introduced a law requiring employers to pay men and women the same salary for the same work. The Framework Act on Social Protection had been adopted and made special provision for social security, pensions and health care. The minimum wage for workers in maquilas had been successfully negotiated, and the Government was providing one third of the funding required to build social housing for them. The budget for labour inspections had been increased to allow for the recruitment of at least 50 additional inspectors. Although non-salaried workers were already covered by existing legislation, they would be granted the right to a minimum level of social security coverage under a new law due to come into force later in 2016. The Government operated a quota system to increase the representation of persons with disabilities in the workforce and had developed a scheme, "Empléate Plus", to help them into employment. Legislation would soon be introduced to protect the rights of domestic workers. Although only 20.5 per cent of the population benefited from some form of social security, the Framework Act on Social Protection was aimed at widening access. The Hourly Employment Act already covered workers' rights and entitlements. The Government had established a mechanism to monitor employers' compliance with their obligation to pay the minimum wage. The recent increase in the rate of compliance was in large part due to the promotion of productive dialogue between employers and employees. The Honduran negotiation model was probably one of the most developed in Central America, since it was not limited to the agreement of workers' salaries, but also included consideration of their rights and entitlements.

48. **Ms. Cueva** (Honduras) said that recommendations made by the United Nations human rights treaty bodies and inter-American human rights bodies were reflected in the National Action Plan on Human Rights. The Government was preparing to introduce a system, based on the SIMORE system in Paraguay, to monitor the implementation of recommendations from international and regional human rights protection mechanisms. A standing technical committee would ensure that recommendations were translated into public policy options and annual working plans. In 2017, the Government would conduct an impact assessment of its human rights policy.

49. **Mr. De Schutter** said that the Committee was seriously concerned by conflicts over resources, including land and water, between peasant farmers and large-scale exporters, particularly exporters of palm oil in the Lower Aguán Valley, where some 120 peasant farmers had been killed over the previous five years. The State party had informed the Committee that the security forces were sometimes involved in resolving such conflicts, a solution that risked militarizing affected regions. The problem would be better addressed by

a more structural approach. The State party's economy was dependent to a high degree on the export of agricultural products, in particular coffee, bananas and palm oil, and the volume of its agricultural exports had increased by 10 per cent over the previous four years. The Government had also introduced legislation to protect the interests of foreign investors, which risked worsening conflicts over land and water. The Committee would like to know how the policies designed to attract investors were compatible with the aim of protecting the interests of peasant farmers and whether the State party intended to improve their access to resources.

50. An estimated 1.5 million Hondurans faced hunger at least once a year, and poor families and families in which parents had a low level of education were disproportionately affected. The Committee would like to know what had been achieved by the adoption in 2011 of the Food and Nutrition Security Act, a law seeking to establish an institutional framework for tackling food poverty.

51. **Mr. Pillay** said that, despite requests made in the list of issues, the State party had failed to provide the Committee with disaggregated statistical information on the poverty rate and information on the results of its anti-poverty measures with reference in particular to disadvantaged and marginalized groups. The delegation should provide the requested information. Although there had been a reduction in the rate of extreme poverty, the general poverty rate remained at the very high level of 64 per cent in rural areas and 63 per cent in urban areas, which was coupled with a very low level of social security coverage. Despite the State party's assurances that forced evictions were rare, the Committee had received reports of a number of cases in which the Government had not compensated the affected parties, had failed to provide alternative housing arrangements, and had used force, including military force, to conduct the evictions. The State party's actions had been in violation of international standards and the Committee's general comment No. 7 on the right to adequate housing.

52. **Mr. Zerbini Ribeiro Leão** said that the Committee would like to know the extent of gang violence, what measures had been taken to combat the problem and what was being done to prevent children from becoming involved in gang violence.

53. **Mr. Uprimny** said that, although the Government's overall tax receipts were relatively high, its taxation policy seemed socially regressive. According to a report in 2011, the poorest Hondurans spent 50 per cent of their income on tax, whereas, for the wealthiest, the rate was only 25 or 30 per cent. The State party would find it difficult to combat poverty without reforming its taxation system. The Committee would like to know to what extent the social welfare system was based on rights, since it had received reports that, in practice, welfare payments were offered with implicit conditions attached as part of a system of political patronage. The legislation governing abortion was extremely restrictive and included a ban on the abortion of fetuses conceived by rape. Did the Government intend to amend the legislation?

54. **Ms. Shin**, noting that many children in Honduras were involved in the worst forms of child labour, said that the Committee would like to know the results of implementing the road map for the prevention and eradication of child labour. Information was also needed on the measures in place to protect street children from being trafficked or killed or falling into a life of crime. Given that the ban on abortion in all circumstances was likely to increase the rate of maternal mortality by forcing desperate women to undergo unsafe abortions, it would be useful to know whether it was at least possible for women to access emergency contraceptives. The Committee had recently issued its general comment No. 22 (2016) on the right to sexual and reproductive health.

55. **Ms. Ravenberg** said that indigenous peoples experienced severe inequality, as evidenced by their very low average life expectancy — 36 years for women and 43 years

for men versus the national average of 72.47 years for women and 69.23 for men. The Committee had been informed that 95 per cent of indigenous children aged under 14 suffered from malnutrition. Had any research been conducted on the causes of the low life expectancy of indigenous peoples? If so, what measures had been taken to improve their physical and mental health? According to the Food and Agriculture Organization of the United Nations and the Pan American Health Organization, 1.4 per cent of children under 5 years of age suffered from acute malnutrition, 5 per cent from obesity, 10 per cent from global malnutrition and 31 per cent from stunted growth. Although a National Food and Nutrition Security Strategy had been approved in 2010 and the Food and Nutrition Security Act had been adopted in 2011, both texts lacked a human rights perspective and their effectiveness had been limited. The Committee would like to know how the Government's food and nutrition policy worked in practice and whether it had been evaluated or adapted.

56. **Mr. Kerdoun** said that the Committee had not received responses to a number of its questions on education, including its questions on the budget, school enrolment and the implementation of the Guardians of the Nation programme. Furthermore, some of the statistical information provided by the State party seemed to be contradicted by other sources. Overall, the educational provision in Honduras was unsatisfactory. Many children dropped out of school or had to repeat an academic year, enrolment rates had fallen in secondary schools, and strikes by teachers frequently reduced the effective number of school days. Ultimately, access to education was linked to poverty. In the light of the disappointing results of the 2010 plan to reform the educational sector, the Committee would like more detailed information on the sectoral education plan for the period 2016-2030.

57. **Mr. Uprimny** said that social inequality was a major obstacle to equal access to education. Although the State party had formulated a plan to improve the provision of preschool education, more specific information on its proposed implementation was needed.

The meeting rose at 6 p.m.